

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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In the matter of Arbitration

-Between-

ECOLINE, INC.,

Petitioner,

-against-

LOCAL UNION NO. 12 OF THE  
INTERNATIONAL ASSOCIATION OF HEAT  
AND FROST INSULATIONS AND ASBESTOS  
WORKERS AFL-CIO,

Respondent,

-and-

BOARD OF TRUSTEES OF THE INT'L  
ASSOCIATION OF HEAT AND FROST  
INSULATORS AND ASBESTOS WORKERS  
LOCAL 12 EMPLOYEE BENEFITS FUND,

Respondent.  
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**MEMORANDUM AND ORDER**

05-CV-2661 (DLI)(RER)

DORA L. IRIZARRY, United States District Judge:

Petitioner Ecoline, Inc. (“Ecoline” or “Employer”) brought this action to vacate an arbitration decision issued by a Joint Trade Board finding that Ecoline failed to make certain fringe benefit payments as required by the collective bargaining agreement (“CBA”) between the Employer and Local Union No. 12 of the International Association of Heat and Frost Insulations and Asbestos Workers, AFL-CIO (“Union”) and the Board of Trustees of the International Association of Heat and Asbestos Workers Local 12 Benefits Fund (“Trustees”). Respondents cross-moved to confirm the arbitrator’s decision and award. By order dated April 6, 2006, this court referred the instant petition to Magistrate Judge Ramon E. Reyes who issued a Report and Recommendation (“Report”),

dated June 20, 2006, recommending denial of the petition. Petitioner timely objected to the Magistrate Judge's Report.

In reviewing a magistrate judge's report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Where a party objects to a magistrate judge's report and recommendation, the court must engage in a *de novo* review of those portions of the report to which the party specifically objects. *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). However, where a party makes general objections or attempts to re-litigate the same arguments presented to the magistrate judge, then the court will review a report and recommendation for clear error. *Hardison v. Artus*, No. 06 Civ. 322, 2006 WL 1763678, at \*1 (S.D.N.Y. June 23, 2006); *Camardo v. Gen. Motors Hourly-Rate Employees Pension Plan*, 806 F.Supp. 380, 382 (W.D.N.Y.1992).

Here, rather than specifically object to Judge Reyes' Report, petitioner merely reiterates the same arguments presented to the Magistrate Judge in its original petition. Those arguments, namely, that the Joint Trade Board was "evidently partial" and that the Joint Trade Board's award violated §302(a) and (b) of the Labor Management Relations Act, 29 U.S.C. § 186(a) and (b), were thoroughly addressed by the Magistrate Judge. Petitioner offers no new arguments or research warranting modification of the Report. Petitioner's "new" claim that petitioner did not waive its right to an impartial arbitration panel is a variation on its "evident partiality" theme, which, as noted above, was already addressed by Judge Reyes. Thus, the appropriate standard of review is for clear error.

The court has carefully reviewed Judge Reyes' Report and finds no clear error. Accordingly, petitioner's objections are overruled and Judge Reyes' Report is adopted in full. WHEREFORE, it is hereby ordered that Ecoline's motion to vacate the arbitration award is denied and the Trustee's cross-motion to confirm the Joint Trade Board's decision and award is granted.

SO ORDERED.

Dated: Brooklyn, New York  
August 29, 2006

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/s/  
Dora L. Irizarry  
United States District Judge